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Rick W. Bisher \*  
Charles T. Simons  
Tim Kent

Of Counsel:  
Patrick C. Ryan

\*RWB Legal Inc.



Rick W. Bisher, Esq.  
Admitted to the United States Supreme Court and  
all Federal and State District Courts in Oklahoma  
[rbisher@rbrlawfirm.com](mailto:rbisher@rbrlawfirm.com)

Legal Assistants Assigned to R. Bisher:  
Dimples Carson – [dcarson@rbrlawfirm.com](mailto:dcarson@rbrlawfirm.com)  
Teresa Johnson – [tjohnson@rbrlawfirm.com](mailto:tjohnson@rbrlawfirm.com)  
Blanca Hernandez – [blanca@rbrlawfirm.com](mailto:blanca@rbrlawfirm.com)

Wednesday, September 22, 2021

J Mark McAlester  
Fenton, Fenton, Smith, Reneau & Moon  
Leadership Square  
211 North Robinson, Suite 800N  
Oklahoma City, OK 73102

Re: Wichert vs. Liberty Mutual

Dear Mr. McAlster

I hope this finds you well. I am not sure if you are engaged in the evaluation of Brandon's uninsured motorist claim, however on August 8, 2021 you sent me a letter that served as a response to my July 10, 2021 correspondence to the carrier and as "an update on the status of this matter". You stated that you were in the process of obtaining the "medical information from the known medical providers" and that you had also "contacted counsel for the worker's compensation insurance carrier in order to obtain all medical records, pleadings, and other relevant documents the insurance carrier may have in their possession." Based on your correspondence I am therefore sending this letter to you and Karen Lyons, the adjustor I understand is assigned to the claim.

Despite the fact that the activity outlined above could have, and should have, been conducted much earlier, Liberty Mutual continues in its failure to provide its insured, Brandon, with an evaluation of his uninsured motorist claim, or tender an undisputed amount. Liberty Mutual should be most aware that the nondelegable duty of good faith, despite the filing of the petition, requires it to promptly evaluate and pay Brandon's claim. The duty of good faith and fair dealing exists *during the time the claim is being reviewed*. Garnett v. Government Employees Insurance Co., 186 P.3d 935 (Okla. 2008); Hale v. A.G. Ins. Co., 138 P.2d 567 (Okla. App. 2006); Newport v. USAA, 11 P.3d 190 (Okla. 2000); Skinner v. John Deere Ins. Co., 998 P.2d 1219 (Okla. 2000); Buzzard v. Farmers Ins. Co., 824 P.2d 1105 (Okla. 1992).

In any event I am enclosing a copy of the proof of service for your file and again, Brandon requests an evaluation of his claim by his carrier.

Respectfully,  
  
Rick W. Bisher

RB:rb  
Enclosure  
Cc:  
Karen Lyons  
Liberty Mutual Insurance - San Diego, CA  
PO Box 515097  
Los Angeles, CA 90051

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

BRANDON WICHERT )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No.: CJ-2021-3325  
 )  
 OHIO SECURITY INSURANCE )  
 COMPANY, an affiliate or subsidiary )  
 of LIBERTY MUTUAL INSURANCE )  
 COMPANY )  
 )  
 Defendant. )  
 )

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

SEP 22 2021

RICK WARREN  
COURT CLERK

109 \_\_\_\_\_

**PROOF / RETURN OF SERVICE**

I certify that I mailed copies of the Petition and Summons via certified mail, return receipt requested, postage prepaid, on the 1<sup>st</sup> day of September 2021 to:

Ohio Security Insurance Company  
c/o Oklahoma Insurance Department  
400 N.E. 50<sup>th</sup> Street  
Oklahoma City, OK 73105

Service was completed by delivery on the 3rd day of September 2021 as evidenced by the attached Return Receipt.

*Dimples Carson*  
Dimples Carson

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the above and forgoing document was sent by U.S. Mail to the following on the 22<sup>nd</sup> day of September 2021.

J. Mark McAlester  
Fenton Fenton Smith Reneau & Moon  
211 North Robinson, Suite 800N  
Oklahoma City, OK 73102-7106

*Dimples Carson*  
Dimples Carson

- SENDER: COMPLETE THIS SECTION  
PRINT OR TYPE THIS SECTION ON DELIVERY
- Complete items 1, 2, and 3.
  - Print your name and address on the reverse so that we can return the card to you.
  - Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Oklahoma Insurance Dept  
400 NE 50th Street  
OKC City OK 73105



9590 9402 5814 0034 7721 86

## 2. Article Number (Transfer from service label)

7019 1120 0001 7799 4321

PS Form 3811, July 2015 PSN 7530-02-000-9053

## A. Signature

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

RECEIVED  
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OKLAHOMA INSURANCE DEPT.

## 3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

## USPS TRACKING #



OKLAHOMA CITY OK 73105

3 SEP 2021 PMY 5 L

9590 9402 5814 0034 7721 86

First-Class Mail  
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USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box

RYAN BISHER RYAN & SIMONS  
Attorneys at Law  
4323 N.W. 63rd Street, Suite 110  
Oklahoma City, OK 73116

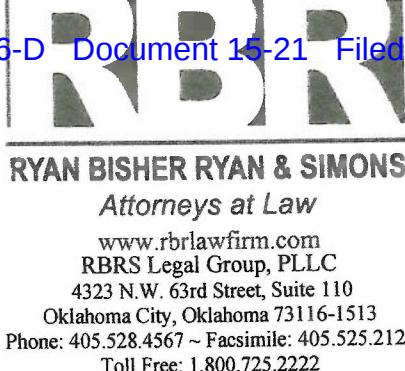
RECEIVED  
SEP 07 2021  
BY:

SCANNED

Joe Wichert



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RB:rb

Enclosure Case 5:21-cv-00976-D Document 15-21 Filed 01/26/22 Page 6 of 8

Cc:

Karen Lyons

Liberty Mutual Insurance - San Diego, CA  
PO Box 515097  
Los Angeles, CA 90051

Plaintiff, )  
v. )  
OHIO SECURITY INSURANCE )  
COMPANY, an affiliate or subsidiary )  
of LIBERTY MUTUAL INSURANCE )  
COMPANY )  
Defendant. )

) Case No.: CJ-2021-3325  
Judge Cindy H. Truong

SEP 22 2021  
RICK WARREN  
COURT CLERK

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211 North Robinson, Suite 800N  
Oklahoma City, OK 73102-7106

*Dimples Carson*  
Dimples Carson

## SENDER: COMPLETE THIS SECTION

## COMPLETE THIS SECTION ON DELIVERY

Complete items 1 through 4.

A. Signature

- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  NoRECEIVED  
SEP 03 2021

OKLAHOMA INSURANCE DEPT.

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OKC City OK 73105



9590 9402 5814 0034 7721 86

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PS Form 3811, July 2015 PSN 7530-02-000-9053

## 3. Service Type

- Priority Mail Express®
- Adult Signature
- Registered Mail™
- Adult Signature Restricted Delivery
- Registered Mail Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Return Receipt for Merchandise
- Collect on Delivery Restricted Delivery
- Signature Confirmation™
- Insured Mail
- Signature Confirmation Restricted Delivery
- Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

## USPS TRACKING #



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First-Class Mail  
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USPS  
Permit No. G-10

United States  
Postal Service

\* Sender: Please print your name, address, and ZIP+4® in this box.

RYAN BISHER RYAN & SIMONS  
Attorneys at Law  
4323 N.W. 63rd Street, Suite 110  
Oklahoma City, OK 73116

SCANNED

Joe Wichert